

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JULIE FRITCHER,

CASE NO. 1:11-cv-01900-LJO-MJS

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION FOR DISMISSAL OF
ACTION WITHOUT PREJUDICE FOR
LACK OF SUBJECT MATTER
JURISDICTION

v.

MELVIN R. JOSEPH, et al.,

(ECF No. 8)

Defendants.

Julie Fritcher ("Plaintiff"), an enrolled tribal member of the Lone Pine Paiute-Shoshone Tribe ("Tribe"), brings this action in pro persona and in forma pauperis against the Lone Pine Paiute-Shoshone Indian Reservation, Defendant tribal officers Melvin Joseph, Mary Wuester, Stacey Mike, Janet Hansen, and Beverly Newell, and Does 1-250. She seeks freedom of information access to Tribe documents and relief for Defendants' failure to comply with federal grant funding contract requirements and Tribe governance obligations.

1 The matter was referred to a United States Magistrate Judge Pursuant to 28 U.S.C.
2 636(b)(1)(B) and Local Rules of the United States District Court - Eastern District of
3 California, Rule 302.

4 On February 28, 2012, a Findings and Recommendation for Dismissal (Findings and
5 Recommendation, ECF No. 8) was filed in which the Magistrate Judge reviewed Plaintiff's
6 Complaint, found that the claims asserted do not demonstrate a basis for federal subject
7 matter jurisdiction and recommended that this action be dismissed without prejudice for lack
8 of subject matter jurisdiction. Plaintiff was notified that her Objection, if any, was due within
9 thirty (30) days of service. Plaintiff has not filed Objections or otherwise responded to the
10 February 28, 2012 Findings and Recommendation.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has
12 conducted a de novo review of this case. Having carefully reviewed the entire file, the
13 Court finds the Findings and Recommendation to be supported by the record and by
14 proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Court adopts the Findings and Recommendation filed February 28,
3 2012, in full (ECF No. 8);
4 2. This action is dismissed, without prejudice, for a lack of subject matter
5 jurisdiction;
6 3. All motions pending in this action are denied as moot;
7 4. The Clerk of the Court shall enter judgment hereon and close this action.
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11 IT IS SO ORDERED.

12 Dated: April 9, 2012

13 /s/ Lawrence J. O'Neill
14 UNITED STATES DISTRICT JUDGE
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